

tors shall draw lots to determine which directors serve a one-year term expiring April 30, 2019, which directors serve a two-year term expiring April 30, 2020, and which directors serve a three-year term expiring April 30, 2021. The lots must be split into thirds or as near to thirds as possible.

(c) This section expires January 1, 2022.

SECTION 5. (a) The legal notice of the intention to introduce this Act, setting forth the general substance of this Act, has been published as provided by law, and the notice and a copy of this Act have been furnished to all persons, agencies, officials, or entities to which they are required to be furnished under Section 59, Article XVI, Texas Constitution, and Chapter 313, Government Code.

(b) The governor, one of the required recipients, has submitted the notice and Act to the Texas Commission on Environmental Quality.

(c) The Texas Commission on Environmental Quality has filed its recommendations relating to this Act with the governor, the lieutenant governor, and the speaker of the house of representatives within the required time.

(d) All requirements of the constitution and laws of this state and the rules and procedures of the legislature with respect to the notice, introduction, and passage of this Act are fulfilled and accomplished.

SECTION 6. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2017.

Passed the Senate on April 18, 2017: Yeas 28, Nays 3; the Senate concurred in House amendment on May 27, 2017: Yeas 28, Nays 3; passed the House, with amendment, on May 24, 2017: Yeas 137, Nays 9, two present not voting.

Filed without signature June 15, 2017.

Effective June 15, 2017.

PUBLIC SCHOOL ACCOUNTABILITY

CHAPTER 807

H.B. No. 22

AN ACT

relating to public school accountability.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Section 11.252(a), Education Code, is amended to read as follows:

(a) Each school district shall have a district improvement plan that is developed, evaluated, and revised annually, in accordance with district policy, by the superintendent with the assistance of the district-level committee established under Section 11.251. The purpose of the district improvement plan is to guide district and campus staff in the improvement of student performance for all student groups in order to attain state standards in respect to the achievement indicators adopted under *Section 39.053(c)* [~~Sections 39.053(c)(1)–(4)~~]. The district improvement plan must include provisions for:

(1) a comprehensive needs assessment addressing district student performance on the achievement indicators, and other appropriate measures of performance, that are disaggregated by all student groups served by the district, including categories of ethnicity, socioeconomic status, sex, and populations served by special programs, including students in special education programs under Subchapter A, Chapter 29;

(2) measurable district performance objectives for all appropriate achievement indicators for all student populations, including students in special education programs

under Subchapter A, Chapter 29, and other measures of student performance that may be identified through the comprehensive needs assessment;

(3) strategies for improvement of student performance that include:

(A) instructional methods for addressing the needs of student groups not achieving their full potential;

(B) methods for addressing the needs of students for special programs, including:

(i) suicide prevention programs, in accordance with Subchapter O-1, Chapter 161, Health and Safety Code, which includes a parental or guardian notification procedure;

(ii) conflict resolution programs;

(iii) violence prevention programs; and

(iv) dyslexia treatment programs;

(C) dropout reduction;

(D) integration of technology in instructional and administrative programs;

(E) discipline management;

(F) staff development for professional staff of the district;

(G) career education to assist students in developing the knowledge, skills, and competencies necessary for a broad range of career opportunities; and

(H) accelerated education;

(4) strategies for providing to middle school, junior high school, and high school students, those students' teachers and school counselors, and those students' parents information about:

(A) higher education admissions and financial aid opportunities;

(B) the TEXAS grant program and the Teach for Texas grant program established under Chapter 56;

(C) the need for students to make informed curriculum choices to be prepared for success beyond high school; and

(D) sources of information on higher education admissions and financial aid;

(5) resources needed to implement identified strategies;

(6) staff responsible for ensuring the accomplishment of each strategy;

(7) timelines for ongoing monitoring of the implementation of each improvement strategy;

(8) formative evaluation criteria for determining periodically whether strategies are resulting in intended improvement of student performance; and

(9) the policy under Section 38.0041 addressing sexual abuse and other maltreatment of children.

SECTION 2. Section 11.253(c), Education Code, is amended to read as follows:

(c) Each school year, the principal of each school campus, with the assistance of the campus-level committee, shall develop, review, and revise the campus improvement plan for the purpose of improving student performance for all student populations, including students in special education programs under Subchapter A, Chapter 29, with respect to the achievement indicators adopted under *Section 39.053(c)* [~~Sections 39.053(e)(1)–(4)~~] and any other appropriate performance measures for special needs populations.

SECTION 3. Section 12.1013(c), Education Code, is amended to read as follows:

(c) The report must include the performance of each public school in each class described by Subsection (b) as measured by the achievement indicators adopted under *Section 39.053(c)* [~~Sections 39.053(e)(1)–(4)~~] and student attrition rates.

SECTION 4. Section 29.062(a), Education Code, is amended to read as follows:

(a) The legislature recognizes that compliance with this subchapter is an imperative public necessity. Therefore, in accordance with the policy of the state, the agency shall evaluate the effectiveness of programs under this subchapter based on the achievement indicators adopted under *Section 39.053(c)* [~~Sections 39.053(c)(1)–(4)~~], including the results of assessment instruments. The agency may combine evaluations under this section with federal accountability measures concerning students of limited English proficiency.

SECTION 5. Section 29.202(a), Education Code, is amended to read as follows:

(a) A student is eligible to receive a public education grant or to attend another public school in the district in which the student resides under this subchapter if the student is assigned to attend a public school campus *assigned an unacceptable performance rating that is made publicly available under Section 39.054* for:

(1) *the student achievement domain under Section 39.053(c)(1) [at which 50 percent or more of the students did not perform satisfactorily on an assessment instrument administered under Section 39.023(a) or (c) in any two of the preceding three years]; and [or]*

(2) *the school progress domain under Section 39.053(c)(2) [that, at any time in the preceding three years, failed to satisfy any standard under Section 39.054(e)].*

SECTION 6. Chapter 39, Education Code, is amended by adding Subchapter A to read as follows:

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 39.001. RULES. (a) The commissioner shall adopt rules as necessary to administer this chapter.

(b) In adopting a rule under this chapter, the commissioner shall solicit input statewide from persons who would likely be affected by the proposed rule, including school district boards of trustees, administrators and teachers employed by school districts, parents of students enrolled in school districts, and other interested stakeholders.

Sec. 39.002. ADVISORY COMMITTEE. An advisory committee appointed under this chapter is not subject to Chapter 2110, Government Code.

SECTION 7. Section 39.052(b), Education Code, is amended to read as follows:

(b) In determining the accreditation status of a school district, the commissioner:

(1) shall evaluate and consider:

(A) performance on achievement indicators described by Section 39.053 [~~39.053(e)~~]; and

(B) performance under the financial accountability rating system developed under Subchapter D; and

(2) may evaluate and consider:

(A) the district's compliance with statutory requirements and requirements imposed by rule of the commissioner or State Board of Education under specific statutory authority that relate to:

(i) reporting data through the Public Education Information Management System (PEIMS) or other reports required by state or federal law or court order;

(ii) the high school graduation requirements under Section 28.025; or

(iii) an item listed under Sections 7.056(e)(3)(C)–(I) that applies to the district;

(B) the effectiveness of the district's programs for special populations; and

(C) the effectiveness of the district's career and technology program.

SECTION 8. Section 39.053, Education Code, is amended by amending Subsections (a), (a–1), (b), (c), (d–1), (f), (g), (g–1), (g–2), and (i) and adding Subsections (c–3) and (e) to read as follows:

(a) The commissioner shall adopt a set of indicators of the quality of learning and

achievement, including the indicators under Subsection (c). The commissioner periodically ~~biennially~~ shall review the indicators for the consideration of appropriate revisions.

(a-1) The indicators adopted by the commissioner under Subsection (a) ~~including the indicators identified under Subsection (c)~~ must measure and evaluate school districts and campuses with respect to:

(1) improving student preparedness for success in:

(A) subsequent grade levels; and

(B) entering the workforce, the military, or postsecondary education;

(2) reducing, with the goal of eliminating, student academic achievement differentials among students from different racial and ethnic groups and socioeconomic backgrounds; and

(3) informing parents and the community regarding campus and district performance ~~in the domains described by Subsection (c) and, for the domain described by Subsection (c)(5), in accordance with local priorities and preferences~~.

(b) Performance on the achievement indicators adopted under Subsection (c) ~~Subsections (c)(1)–(4)~~ shall be compared to state-established standards. The indicators must be based on information that is disaggregated by race, ethnicity, and socioeconomic status.

(c) School districts and campuses must be evaluated based on ~~three~~ ~~five~~ domains of indicators of achievement adopted under this section that include:

(1) in the student achievement ~~first~~ domain, indicators of student achievement that must include ~~the results of~~:

(A) for evaluating the performance of districts and campuses generally:

(i) an indicator that accounts for the results of assessment instruments required under Sections 39.023(a), (c), and (l), as applicable for the district and campus, including the results of assessment instruments required for graduation retaken by a student, aggregated across grade levels by subject area, including:

(a) ~~(i)~~ for the performance standard determined by the commissioner under Section 39.0241(a), the percentage of students who performed satisfactorily on the assessment instruments, aggregated across grade levels by subject area; and

(b) ~~(ii)~~ for the college readiness performance standard as determined under Section 39.0241, the percentage of students who performed satisfactorily on the assessment instruments, aggregated across grade levels by subject area; and

(ii) ~~(B)~~ an indicator that accounts for the results of assessment instruments required under Section 39.023(b), as applicable for the district and campus, ~~aggregated across grade levels by subject area,~~ including the percentage of students who performed satisfactorily on the assessment instruments, as determined by the performance standard adopted by the agency, aggregated across grade levels by subject area; and

(B) for evaluating the performance of high school campuses and districts that include high school campuses, indicators that account for:

(i) students who satisfy the Texas Success Initiative (TSI) college readiness benchmarks prescribed by the Texas Higher Education Coordinating Board under Section 51.3062(f) on an assessment instrument in reading or mathematics designated by the Texas Higher Education Coordinating Board under Section 51.3062(c);

(ii) students who satisfy relevant performance standards on advanced placement tests or similar assessments;

(iii) students who earn dual course credits in the dual credit courses;

(iv) students who enlist in the armed forces of the United States;

- (v) *students who earn industry certifications;*
 - (vi) *students admitted into postsecondary industry certification programs that require as a prerequisite for entrance successful performance at the secondary level;*
 - (vii) *students whose successful completion of a course or courses under Section 28.014 indicates the student's preparation to enroll and succeed, without remediation, in an entry-level general education course for a baccalaureate degree or associate degree;*
 - (viii) *students who successfully met standards on a composite of indicators that through research indicates the student's preparation to enroll and succeed, without remediation, in an entry-level general education course for a baccalaureate degree or associate degree;*
 - (ix) *high school graduation rates, computed in accordance with standards and definitions adopted in compliance with the Every Student Succeeds Act (20 U.S.C. Section 6301 et seq.) subject to the exclusions provided by Subsections (g), (g-1), (g-2), and (g-3);*
 - (x) *students who successfully completed an OnRamps dual enrollment course; and*
 - (xi) *students who are awarded an associate's degree;*
- (2) *in the school progress [second] domain, indicators for effectiveness in promoting student learning, which must include:*
- (A) *for assessment instruments, including assessment instruments under Subdivisions (1)(A)(i) and (ii) [under Subdivision (1)(A):*
 - ~~[(i) for the performance standard determined by the commissioner under Section 39.0241(a), the percentage of students who met the standard for [annual] improvement [on the assessment instruments], as determined by the commissioner [by rule or by the method for measuring annual improvement under Section 39.034, aggregated across grade levels by subject area; and~~
 - ~~[(ii) for the college readiness performance standard as determined under Section 39.0241, the percentage of students who met the standard for annual improvement on the assessment instruments, as determined by the commissioner by rule or by the method for measuring annual improvement under Section 39.034, aggregated across grade levels by subject area]; and~~
 - (B) *for evaluating relative performance, the performance of districts and campuses compared to similar districts or campuses [for assessment instruments under Subdivision (1)(B), the percentage of students who met the standard for annual improvement on the assessment instruments, as determined by the commissioner by rule or by the method for measuring annual improvement under Section 39.034, aggregated across grade levels by subject area;*
 - ~~[(3) in the third domain, the student academic achievement differentials among students from different racial and ethnic groups and socioeconomic backgrounds;~~
 - ~~[(4) in the fourth domain:~~
 - ~~[(A) for evaluating the performance of high school campuses and districts that include high school campuses:~~
 - ~~[(i) dropout rates, including dropout rates and district completion rates for grade levels 9 through 12, computed in accordance with standards and definitions adopted by the National Center for Education Statistics of the United States Department of Education;~~
 - ~~[(ii) high school graduation rates, computed in accordance with standards and definitions adopted in compliance with the No Child Left Behind Act of 2001 (20 U.S.C. Section 6301 et seq.);~~
 - ~~[(iii) the percentage of students who successfully completed the curriculum requirements for the distinguished level of achievement under the foundation high school program;~~

~~[(iv) the percentage of students who successfully completed the curriculum requirements for an endorsement under Section 28.025(c-1);~~

~~[(v) the percentage of students who completed a coherent sequence of career and technical courses;~~

~~[(vi) the percentage of students who satisfy the Texas Success Initiative (TSI) college readiness benchmarks prescribed by the Texas Higher Education Coordinating Board under Section 51.3062(f) on an assessment instrument in reading, writing, or mathematics designated by the Texas Higher Education Coordinating Board under Section 51.3062(e);~~

~~[(vii) the percentage of students who earn at least 12 hours of postsecondary credit required for the foundation high school program under Section 28.025 or to earn an endorsement under Section 28.025(c-1);~~

~~[(viii) the percentage of students who have completed an advanced placement course;~~

~~[(ix) the percentage of students who enlist in the armed forces of the United States; and~~

~~[(x) the percentage of students who earn an industry certification;~~

~~[(B) for evaluating the performance of middle and junior high school and elementary school campuses and districts that include those campuses:~~

~~[(i) student attendance; and~~

~~[(ii) for middle and junior high school campuses:~~

~~[(a) dropout rates, computed in the manner described by Paragraph (A)(i); and~~

~~[(b) the percentage of students in grades seven and eight who receive instruction in preparing for high school, college, and a career that includes information regarding the creation of a high school personal graduation plan under Section 28.02121, the distinguished level of achievement described by Section 28.025(b-15), each endorsement described by Section 28.025(c-1), college readiness standards, and potential career choices and the education needed to enter those careers; and~~

~~[(C) any additional indicators of student achievement not associated with performance on standardized assessment instruments determined appropriate for consideration by the commissioner in consultation with educators, parents, business and industry representatives, and employers]; and~~

~~(3) [(5)] in the closing the gaps [fifth] domain, the use of disaggregated data to demonstrate the differentials among students from different racial and ethnic groups, socioeconomic backgrounds, and other factors, including:~~

~~(A) students formerly receiving special education services;~~

~~(B) students continuously enrolled; and~~

~~(C) students who are mobile [three programs or specific categories of performance related to community and student engagement locally selected and evaluated as provided by Section 39.0546].~~

~~(c-3) Any standard for improvement determined by the commissioner as described by Subsection (c)(2)(A) must allow for appropriately crediting a student for growth if the student performs at the highest achievement standard in the previous and current school year.~~

~~(d-1) In aggregating results of assessment instruments across grade levels by subject in accordance with Subsection (c)(1)(A)(i) [Subsection (c)(1)], the performance of a student enrolled below the high school level on an assessment instrument required under Section 39.023(c) is included with results relating to other students enrolled at the same grade level.~~

~~(e) For purposes of Subsection (c)(3)(A), a student formerly receiving special education services means a student whose enrollment information:~~

(1) for the preceding school year, as reported through the Public Education Information Management System (PEIMS), indicates the student was enrolled at the campus and was participating in a special education program; and

(2) for the current school year, as reported through the Public Education Information Management System (PEIMS) and as reported on assessment instruments administered to the student under Section 39.023, indicates the student is enrolled at the campus and is not participating in a special education program.

(f) Annually, the commissioner shall define the state standard for the current school year for each achievement indicator adopted under this section. In consultation with educators, parents, and business and industry representatives, as necessary, the commissioner shall establish and modify standards to continuously improve student performance to achieve the goals of eliminating achievement gaps based on race, ethnicity, and socioeconomic status and to ensure this state is a national leader in preparing students for postsecondary success [described by Subsections (c)(1)-(4) and shall project the state standards for each indicator for the following two school years. The commissioner shall periodically raise the state standards for the college readiness achievement indicator described by Subsection (c)(1)(A)(ii) for accreditation as necessary to reach the goals of achieving, by not later than the 2019-2020 school year:

~~[(1) student performance in this state, disaggregated by race, ethnicity, and socioeconomic status, that ranks nationally in the top 10 states in terms of college readiness; and~~

~~[(2) student performance with no significant achievement gaps by race, ethnicity, and socioeconomic status].~~

(g) In computing ~~[defining the required state standard for the]~~ dropout and completion rates such as high school graduation rates under Subsection (c)(1)(B)(ix) ~~[rate indicator described by Subsections (c)(4)(A)(i) and (B)(ii)(a)]~~, the commissioner may not consider as a dropout a student whose failure to attend school results from:

(1) the student's expulsion under Section 37.007; and

(2) as applicable:

(A) adjudication as having engaged in delinquent conduct or conduct indicating a need for supervision, as defined by Section 51.03, Family Code; or

(B) conviction of and sentencing for an offense under the Penal Code.

(g-1) In computing dropout and completion rates such as high school graduation rates under Subsection (c)(1)(B)(ix) ~~[Subsections (c)(4)(A)(i) and (B)(ii)(a)]~~, the commissioner shall exclude:

(1) students who are ordered by a court to attend a high school equivalency certificate program but who have not yet earned a high school equivalency certificate;

(2) students who were previously reported to the state as dropouts, including a student who is reported as a dropout, reenrolls, and drops out again, regardless of the number of times of reenrollment and dropping out;

(3) students in attendance who are not in membership for purposes of average daily attendance;

(4) students whose initial enrollment in a school in the United States in grades 7 through 12 was as an unschooled asylee ~~[refugees]~~ or refugee ~~[asylees]~~ as defined by Section 39.027(a-1);

(5) students who are in the district exclusively as a function of having been detained at a county detention facility but are otherwise not students of the district in which the facility is located; and

(6) students who are incarcerated in state jails and federal penitentiaries as adults and as persons certified to stand trial as adults.

(g-2) In computing completion rates such as high school graduation rates under Subsection (c)(1)(B)(ix) ~~[(c)(2)]~~, the commissioner shall exclude students who:

(1) are at least 18 years of age as of September 1 of the school year as reported for the fall semester Public Education Information Management System (PEIMS) submission and have satisfied the credit requirements for high school graduation;

(2) have not completed their individualized education program under 19 T.A.C. Section 89.1070(b)(2) and the Individuals with Disabilities Education Act (20 U.S.C. Section 1400 et seq.); and

(3) are enrolled and receiving individualized education program services.

(i) *Each school district shall submit the data required for the indicators adopted under this section to the [The] commissioner [by rule shall adopt accountability measures to be used in assessing the progress of students who have failed to perform satisfactorily as determined by the commissioner under Section 39.0241(a) or under the college readiness standard as determined under Section 39.0241 in the preceding school year on an assessment instrument required under Section 39.023(a), (c), or (b)].*

SECTION 9. Subchapter C, Chapter 39, Education Code, is amended by adding Section 39.0533 to read as follows:

Sec. 39.0533. EXTRACURRICULAR AND COCURRICULAR STUDENT ACTIVITY INDICATOR. (a) The commissioner shall study the feasibility of incorporating for evaluating school district and campus performance under this subchapter an indicator that accounts for extracurricular and cocurricular student activity. If the commissioner determines that an extracurricular and cocurricular student activity indicator is appropriate, the commissioner may adopt the indicator.

(b) To determine the feasibility of adopting an indicator under this section, the commissioner may require a school district or campus to report requested information relating to extracurricular and cocurricular student activity.

(c) The commissioner may establish an advisory committee to assist in determining the feasibility of incorporating an extracurricular and cocurricular student activity indicator for evaluating school district and campus performance.

(d) Not later than December 1, 2022, the commissioner shall report to the legislature on the feasibility of incorporating an extracurricular and cocurricular student activity indicator, unless the commissioner adopts an indicator under this section before that date.

(e) This section expires September 1, 2023.

SECTION 10. Sections 39.054(a), (a-1), (a-2), (a-3), and (e), Education Code, as effective on September 1, 2017, are amended to read as follows:

(a) The commissioner shall adopt rules to evaluate school district and campus performance and assign each district and campus an overall performance rating of A, B, C, D, or F. In addition to the overall performance rating, the commissioner shall assign each district and campus a separate domain performance rating of A, B, C, D, or F for each domain under Section 39.053(c) [Sections 39.053(c)(1)-(4)]. An overall or domain performance rating of A reflects exemplary performance. An overall or domain performance rating of B reflects recognized performance. An overall or domain performance rating of C reflects acceptable performance. An overall or domain performance rating of D reflects performance that needs improvement. An overall or domain performance rating of [or] F reflects unacceptable performance. A district may not receive an overall or domain performance rating of A if the district includes any campus with a corresponding overall or domain performance rating of D or F. If a school district has been approved under Section 39.0544 to assign campus performance ratings and the commissioner has not assigned a campus an overall performance rating of D or F, the commissioner shall assign the campus an overall performance rating based on the school district assigned performance rating under Section 39.0544. A reference in law to an acceptable rating or acceptable performance includes an overall or domain performance rating of A, B, [or] C, or D or performance that is exemplary, recognized, or acceptable performance or performance that needs improvement.

(a-1) For purposes of assigning an overall performance rating for a district or campus under Subsection (a), the commissioner shall:

(1) consider either the district's or campus's performance rating under the student achievement domain under Section 39.053(c)(1) or the school progress domain under Section 39.053(c)(2), whichever performance rating is higher, unless the district or campus received a performance rating of F in either domain, in which case the district or campus may not be assigned a performance rating higher than a B for the composite for the two domains; and

(2) attribute not less than 30 percent of the performance rating to the closing the gaps domain under Section 39.053(c)(3) ~~[an overall performance rating under Subsection (a), the commissioner shall attribute:~~

~~[(1) 55 percent of the performance evaluation to the achievement indicators for the first, second, and third domains under Sections 39.053(c)(1)–(3);~~

~~[(2) for middle and junior high school and elementary campuses and districts that include only those campuses, 35 percent of the performance evaluation to the applicable achievement indicators for the fourth domain under Section 39.053(c)(4);~~

~~[(3) for high school campuses and districts that include those campuses:~~

~~[(A) 10 percent of the performance evaluation to the high school graduation rate achievement indicator described by Section 39.053(c)(4)(A)(ii); and~~

~~[(B) 25 percent to the remaining applicable achievement indicators for the fourth domain under Section 39.053(c)(4); and~~

~~[(4) 10 percent of the performance evaluation to the locally selected and evaluated achievement indicators provided for under the fifth domain under Section 39.053(c)(5)].~~

(a–2) The commissioner by rule ~~may~~ ~~[shall]~~ adopt procedures to ensure that a repeated performance rating of D or F or unacceptable in one domain, particularly performance that is not significantly improving, is reflected in the overall performance rating of a district or campus under this section or a campus under Section 39.0544 and is not compensated for by a performance rating of A, B, or C in another domain.

(a–3) Not later than August 15 of each year, the performance ratings of each district and campus shall be made publicly available as provided by rules adopted under this section. ~~[If a district or campus received an overall or domain performance rating of D or F for the preceding school year, the commissioner shall notify the district of a subsequent such designation on or before June 15.]~~

(e) Each annual performance review under this section shall include an analysis of the achievement indicators adopted under Section 39.053, including Subsection (c) of that section, ~~[Sections 39.053(c)(1)–(4)]~~ to determine school district and campus performance in relation to standards established for each indicator.

SECTION 11. Section 39.054, Education Code, is amended by adding Subsections (a–4) and (b) to read as follows:

(a–4) For performance ratings issued in August 2018 for the 2017–2018 school year for campus performance, the commissioner shall issue only a rating of improvement required or met standard, as applicable, to a campus. This subsection expires January 1, 2019.

(b) For purposes of assigning school districts and campuses an overall and a domain performance rating under Subsection (a), the commissioner shall ensure that the method used to evaluate performance is implemented in a manner that provides the mathematical possibility that all districts and campuses receive an A rating.

SECTION 12. Section 39.054(f), Education Code, as effective September 1, 2017, is transferred to Section 39.053, Education Code, redesignated as Section 39.053(g–3), Education Code, and amended to read as follows:

(g–3) ~~[(f)]~~ In the computation of dropout and completion rates such as high school graduation rates under Subsection (c)(1)(B)(ix) ~~[Sections 39.053(c)(4)(A)(i) and (B)(ii)(a)]~~, a student who is released from a juvenile pre-adjudication secure detention facility or juvenile post-adjudication secure correctional facility and fails to enroll in school or a student who leaves a residential treatment center after receiving treatment for fewer than 85 days and fails to enroll in school may not be considered to have dropped out

from the school district or campus serving the facility or center unless that district or campus is the one to which the student is regularly assigned. The agency may not limit an appeal relating to dropout computations under this subsection.

SECTION 13. Subchapter C, Chapter 39, Education Code, is amended by adding Section 39.0541 to read as follows:

Sec. 39.0541. ADOPTION OF INDICATORS AND STANDARDS. The commissioner may adopt indicators and standards under this subchapter at any time during a school year before the evaluation of a school district or campus.

SECTION 14. Subchapter C, Chapter 39, Education Code, is amended by adding Sections 39.0542 and 39.0544 to read as follows:

Sec. 39.0542. EXPLANATORY MATERIALS FOR ACCOUNTABILITY RATING SYSTEM. (a) Each school year, the commissioner shall provide each school district a document in a simple, accessible format that explains the accountability performance measures, methods, and procedures that will be applied for that school year in assigning each school district and campus a performance rating under Section 39.054.

(b) The document provided under Subsection (a) must be provided in a format that a school district is able to easily distribute to parents of students enrolled in the district and other interested members of the public.

(c) The commissioner, in collaboration with interested stakeholders, shall develop standardized language for each domain that does not exceed 250 words and that clearly describes the annual status of a district and campus relating to district and campus performance on the indicators used for that domain to determine the letter performance rating assigned to a district and campus.

Sec. 39.0544. LOCAL ACCOUNTABILITY SYSTEM. (a) The commissioner shall adopt rules regarding the assignment of campus performance ratings by school districts and open-enrollment charter schools. The rules:

(1) must require a district or school, in assigning an overall performance rating for a campus, to incorporate:

(A) domain performance ratings assigned by the commissioner under Section 39.054; and

(B) performance ratings based on locally developed domains or sets of accountability measures;

(2) may permit a district or school to assign weights to each domain or set of accountability measures described in Subdivision (1), as determined by the district or school, provided that the domains specified in Subdivision (1)(A) must in the aggregate account for at least 50 percent of the overall performance rating;

(3) must require that each locally developed domain or set of accountability measures:

(A) contains levels of performance that allow for differentiation, with assigned standards for achieving the differentiated levels;

(B) provides for the assignment of a letter grade of A, B, C, D, or F; and

(C) meets standards for reliability and validity;

(4) must require that calculations for overall performance ratings and each locally developed domain or set of accountability measures be capable of being audited by a third party;

(5) must require that a district or school produce a campus score card that may be displayed on the agency's website; and

(6) must require that a district or school develop and make available to the public an explanation of the methodology used to assign performance ratings under this section.

(b) The commissioner shall develop a process to approve a request by a school district or open-enrollment charter school to assign campus performance ratings in accordance with this section. Under that process, a district or school must obtain approval of a local

accountability plan submitted by the district or school to the agency. A plan may be approved only if:

(1) after review, the agency determines the plan meets the minimum requirements under this section and agency rule;

(2) at the commissioner's discretion, an audit conducted by the agency verifies the calculations included in the plan; and

(3) subject to Subsection (d), a review panel appointed under Subsection (c) approves the plan.

(c) The commissioner shall appoint a review panel for purposes of Subsection (b)(3) that includes a majority of members who are superintendents or members of the board of trustees or governing body of school districts or open-enrollment charter schools with approved local accountability plans.

(d) The requirement under Subsection (b)(3) applies only after performance ratings are issued in August 2019 and only if at least 10 school districts or open-enrollment charter schools have obtained approval of locally developed accountability plans.

(e) A school district or open-enrollment charter school authorized under this section to assign campus performance ratings shall evaluate the performance of each campus as provided by this section and assign each campus a performance rating of A, B, C, D, or F for overall performance and for each locally developed domain or set of accountability measures. Not later than a date established by the commissioner, the district or school shall:

(1) report the performance ratings to the agency; and

(2) make the performance ratings available to the public as provided by commissioner rule.

SECTION 15. Sections 39.0548(b), (c), and (d), Education Code, are amended to read as follows:

(b) Notwithstanding Section 39.053(c)(1)(B)(ix) ~~[39.053(c)(4)(A)(i)]~~, the commissioner shall use the alternative completion rate under this subsection to determine the *graduation* ~~[dropout]~~ rate indicator under Section 39.053(c)(1)(B)(ix) ~~[39.053(c)(4)(A)(i)]~~ for a dropout recovery school. The alternative completion rate shall be the ratio of the total number of students who graduate, continue attending school into the next academic year, or receive a high school equivalency certificate to the total number of students in the longitudinal cohort of students.

(c) Notwithstanding Section 39.053(c)(1)(B)(ix) ~~[39.053(c)(4)(A)(i)]~~, in determining the performance rating under Section 39.054 of a dropout recovery school, the commissioner shall include any student described by Section 39.053(g-1) who graduates or receives a high school equivalency certificate.

(d) Notwithstanding Section 39.053(c), for purposes of evaluating a dropout recovery school under the accountability procedures adopted by the commissioner to determine the performance rating of the school under Section 39.054, [

~~[(1)]~~ only the best result from the primary administration or any retake of an assessment instrument administered to a student in the school year evaluated may be considered~~[-and~~

~~[(2) only a student enrolled continuously for at least 90 days during the school year evaluated may be considered].~~

SECTION 16. Section 39.055, Education Code, is amended to read as follows:

Sec. 39.055. STUDENT ORDERED BY A JUVENILE COURT OR STUDENT IN RESIDENTIAL FACILITY NOT CONSIDERED FOR ACCOUNTABILITY PURPOSES. Notwithstanding any other provision of this code except to the extent otherwise provided under Section 39.053(g-3) ~~[39.054(f)]~~, for purposes of determining the performance of a school district, campus, or open-enrollment charter school under this chapter, a student ordered by a juvenile court into a residential program or facility operated by or under contract with the Texas Juvenile Justice Department, a juvenile board, or any other

governmental entity or any student who is receiving treatment in a residential facility is not considered to be a student of the school district in which the program or facility is physically located or of an open-enrollment charter school, as applicable. The performance of such a student on an assessment instrument or other achievement indicator adopted under Section 39.053 or reporting indicator adopted under Section 39.301 shall be determined, reported, and considered separately from the performance of students attending a school of the district in which the program or facility is physically located or an open-enrollment charter school, as applicable.

SECTION 17. Subchapter E, Chapter 39, Education Code, is amended by adding Section 39.101 to read as follows:

Sec. 39.101. NEEDS IMPROVEMENT RATING. (a) Notwithstanding any other law, if a school district or campus is assigned an overall or domain performance rating of D:

(1) the commissioner shall order the district or campus to develop and implement a targeted improvement plan approved by the board of trustees of the district; and

(2) the interventions and sanctions provided by this subchapter based on failure to satisfy performance standards under Section 39.054(e) apply to the district or campus only as provided by this section.

(b) The interventions and sanctions provided by this subchapter based on failure to satisfy performance standards under Section 39.054(e) apply to a district or campus ordered to develop and implement a targeted improvement plan under Subsection (a) only if the district or campus is assigned:

(1) an overall or domain performance rating of F; or

(2) an overall performance rating of D as provided by Subsection (c).

(c) If a school district or campus is assigned an overall performance rating of D for a school year after the district or campus is ordered to develop and implement a targeted improvement plan under Subsection (a), the commissioner shall implement interventions and sanctions that apply to an unacceptable campus and those interventions and sanctions shall continue for each consecutive school year thereafter in which the campus is assigned an overall performance rating of D.

(d) The commissioner shall adopt rules as necessary to implement this section.

SECTION 18. Section 39.301(b), Education Code, is amended to read as follows:

(b) Performance on the indicators adopted under this section shall be evaluated in the same manner provided for evaluation of the achievement indicators under Section 39.053(c) [~~Sections 39.053(c)(1)–(4)~~].

SECTION 19. The following provisions of the Education Code are repealed:

(1) Section 39.054(c), as effective September 1, 2017; and

(2) Sections 39.0545 and 39.0546.

SECTION 20. If H.B. 1500, 85th Legislature, Regular Session, 2017, becomes law, that law has no effect.

SECTION 21. Not later than January 1, 2019, the commissioner of education shall submit a report to the standing committees of the legislature having primary jurisdiction over primary and secondary education that provides for a preliminary evaluation of campuses under Section 39.054, Education Code, as amended by this Act. The report must include:

(1) the overall and domain performance rating each campus would have received under Section 39.054, Education Code, as amended by this Act, for the 2017–2018 school year if the indicators adopted by the commissioner of education under Section 39.053, Education Code, as amended by this Act, existed during the 2017–2018 school year; and

(2) the correlation between each designated letter performance rating the campus would have received and the percentage of students at each campus:

(A) qualifying for the free or reduced-price breakfast under the national school

breakfast programs provided for by the Child Nutrition Act of 1966 (42 U.S.C. Section 1773);

(B) that are students of limited English proficiency as defined by Section 29.052, Education Code; and

(C) disaggregated by race, ethnicity, and socioeconomic status used to assign ratings in the system.

SECTION 22. This Act applies beginning with the 2017–2018 school year.

SECTION 23. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2017.

Passed by the House on May 4, 2017: Yeas 146, Nays 0, 2 present, not voting; that the House refused to concur in Senate amendments to H.B. No. 22 on May 26, 2017, and requested the appointment of a conference committee to consider the differences between the two houses; the House adopted the conference committee report on H.B. No. 22 on May 28, 2017: Yeas 140, Nays 0, 1 present, not voting, the House adopted H.C.R. No. 165 authorizing certain corrections in H.B. No. 22 on May 29, 2017: Yeas 147, Nays 0, 1 present, not voting; passed by the Senate, with amendments, on May 24, 2017: Yeas 28, Nays 3; at the request of the House, the Senate appointed a conference committee to consider the differences between the two houses; the Senate adopted the conference committee report on H.B. No. 22 on May 28, 2017: Yeas 31, Nays 0, the Senate adopted H.C.R. No. 165 authorizing certain corrections in H.B. No. 22 on May 29, 2017: Yeas 31, Nays 0.

Approved June 15, 2017.

Effective June 15, 2017, except as otherwise provided by this Act.

**CERTAIN REPORTING REQUIREMENTS FOR LAW
ENFORCEMENT AGENCIES AND TO THE CREATION OF A
CRIMINAL JUSTICE WEB PORTAL BY THE OFFICE OF THE
ATTORNEY GENERAL; PROVIDING A CIVIL PENALTY**

CHAPTER 808

H.B. No. 245

AN ACT

relating to certain reporting requirements for law enforcement agencies and to the creation of a criminal justice web portal by the office of the attorney general; providing a civil penalty.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Articles 2.139(c) and (e), Code of Criminal Procedure, as added by Chapter 516 (H.B. 1036), Acts of the 84th Legislature, Regular Session, 2015, are amended to read as follows:

(c) Not later than the 30th day after the date of an officer-involved injury or death, the law enforcement agency employing an officer involved in the incident must complete and submit a written or electronic report, using the form created under Subsection (b), to the office of the attorney general ~~[and, if the agency maintains an Internet website, post a copy of the report on the agency's website]~~. The report must include all information described in Subsection (b).

(e) Not later than ~~March~~ ~~February~~ 1 of each year, the office of the attorney general shall submit a report regarding all officer-involved injuries or deaths that occurred during the preceding year to the governor and the standing legislative committees with primary jurisdiction over criminal justice matters. The report must include: